REMARKS

Claims 5-55 are currently pending in the subject application, and claims 5-21 and 40-55 are presently under consideration. Claims 5-21 have been amended, and claims 40-55 are newly submitted herein for consideration, as shown on pages 3-9 of the Reply. Claims 1-4 were previously cancelled. Claims 22-39 have been withdrawn from consideration, as stated *infra*. In addition, the specification has been amended as indicated on page 2. No new matter has been added.

Applicants' representative hereby affirms the election with traverse of Species I (recited in claims 5-21) for further prosecution on the merits. Accordingly, claims 22-39 have been withdrawn. Applicants' representative reserves the right to rejoin these withdrawn claims at a later date, or pursue the non-elected claims in a division application.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 5-21 Under 35 U.S.C. § 102(e)

Claims 5-21 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Rice, *et al.* (US 6,411,947). It is requested that this rejection be withdrawn for at least the following reason. Rice, *et al.* does not disclose each and every element of the subject claims.

> For a prior art reference to anticipate, 35 U.S.C. § 102 requires that "***each and every element*** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

The claimed subject matter relates to the prioritizing of an item of information, such as text or an e-mail message. In one aspect of the claimed subject matter, a probabilistic-based classifier can be employed for decision making and/or rendering inferences associated with determining priority of an item. In an aspect of the claimed

subject matter, the classifier can be explicitly trained with, for example, predefined data sets, and/or implicitly trained, which can include real-time training, so the classifier may "learn" how to discriminate, and/or render an inference, with regard to the priority of the item. For example, the implicit training of the classifier can include using current and historical information regarding a user's presence, activity, and focus of attention; and such information, as well as other information, can be utilized to adaptively update (*e.g.*, refine) the classifier. The classifier can then be employed to determine priority for a received item (*e.g.*, text), and that priority can be utilized to facilitate electronic communication.

In particular, independent claim 5, as amended, recites: ***determining a priority of an item utilizing a probabilistic-based classifier***. Rice, *et al.* does not disclose or suggest this distinctive feature of the claimed subject matter. Rather, Rice, *et al.* discloses a method that utilizes a knowledge base to automatically categorize incoming email messages and automatically obtain responses to those messages. (*See* col. 3, lns. 19-23). Rice, *et al.* utilizes a ***rule base and case base knowledge engine*** to categorize incoming email as to whether it is an email that can be automatically responded to, or whether the email is to be submitted to a human operator. (*See* col. 3, lns. 24-32). The rule base employs IF-THEN statements where if a particular condition(s) exists, then a particular action(s) is taken. (*See* col. 5, ln. 64 – col. 6, ln. 6). The case base uses a plurality of stored case models that contain categories of information such as title, subject, description, action, and attribute, and compares such information to corresponding information of the current message (*e.g.* "present" case model) and determines whether a stored case model exists that has substantially similar information as the current message. (*See* col. 7, ln. 41 – col. 8, ln. 36). Rice, *et al.* then assigns a score to each of the stored case models by specifying a match-weight for each category and adjusting the score upwards or downwards based on whether the corresponding category of the present case model matches that of the stored case model or not. (*See* col. 8, ln. 37 – col. 9, ln. 17). If a best stored case model is identified (*e.g.*, a stored case model has a highest score), then the action that was taken in the best stored case model is determined, and such action can then be taken with regard to the present case model. (*See* col. 9, lns. 11-17).

However, unlike the claimed invention, Rice, *et al*. is silent regarding ***determining a priority of the item utilizing a probabilistic-based classifier***. The knowledge engine of Rice, *et al*. is not a trained classifier, as, for example, the knowledge engine does not "learn" how to discriminate between time-critical and non-time-critical information in determining a priority with regard to an item of information. Further, the knowledge engine is not probabilistic and does not use inferences associated with the priority of the item to classify the priority. Instead, Rice, *et al*. discloses a simplistic knowledge engine that is ***rule based*** (*e.g*., IF *condition*, THEN *action*), and ***case based***, where the knowledge engine determines what action to take based on the action previously taken in the stored case model that is most similar to the present case model.

In contrast, the claimed subject matter can determine the priority of an item (*e.g*., text) by utilizing ***a probabilistic-based classifier*** that is ***trained*** with predefined data sets and can make inferences associated with the priority of the item.

Further, claim 19 recites: ***implicitly training the classifier based on at least one of at least one of current or historical information of at least one of user presence or a focus of attention of a user***. Rice, *et al*. fails to disclose this distinctive feature.

Rather, Rice, *et al*. simply discloses determining whether an incoming e-mail should be forwarded to a human operator or responded to automatically by the system. (*See* col. 3, lns. 24-32). Unlike the claimed subject matter, Rice, *et al*. fails to disclose training a classifier by accumulating and utilizing information regarding user presence or the focus of attention of a user. In contrast, the claimed subject matter can train a classifier by utilizing ***current and/or historical information of user presence and/or the focus of attention of the user***. The classifier can then use such information in determining the priority of received text inputted into the classifier.

In view of at least the foregoing, it is readily apparent that Rice, *et al*. fails to disclose each and every element of the claimed subject matter as recited in independent claim 5 (and associated dependent claims 6-21). Accordingly, it is believed that the subject claims are in condition for allowance, and the rejection should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063[MSFTP263USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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